

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN L. MURPHY,

Plaintiff,

v.

STEVEN CAMBRA, et al.,

Defendants.

CASE NO. CV-F-01-6532 OWW LJO P

DISCOVERY ORDER
SCHEDULING ORDER

Unenumerated Rule 12(b)
Motion Deadline - 10/19/05
Discovery Cut-Off Date - 05/19/06
Deadline to Amend Pleadings - 06/19/06
Dispositive Motion Deadline - 07/19/06

Plaintiff Kevin L. Murphy is a state prisoner proceeding pro in this civil rights action pursuant to 42 U.S.C. § 1983. Defendant Cambra has answered the second amended complaint filed on February 12, 2003. Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 5-135, and shall only be filed when required by Local Rules 33-250(c), 34-250(c), and 36-250(c);

2. Responses to written discovery requests shall be due forty-five (45) days after the request is first served;

3. To ensure that the responding party has forty-five (45) days after the request is first served to respond, discovery requests must be served at least forty-five (45) days before the discovery deadline;

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1 4. Pursuant to Federal Rule of Civil Procedure 30(a), defendant may depose plaintiff and any
2 other witness confined in a prison upon condition that, at least fourteen (14) days before such a
3 deposition, defendant serves all parties with the notice required by Federal Rule of Civil Procedure
4 30(b)(1); and

5 5. If disputes arise about the parties' obligations to respond to requests for discovery, the
6 parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal Rules
7 of Civil Procedure and Rules 11-110, 7-130, 7-131, 5-133, 5-135, 6-136, 43-142, and 78-230(m) of
8 the Local Rules of Practice for the United States District Court, Eastern District of California.
9 Unless otherwise ordered, Local Rule 37-251 shall not apply. Pursuant to Federal Rule of Civil
10 Procedure 37(a)(2)(A), a motion to compel must be accompanied by "a certification that the movant
11 has in good faith conferred or attempted to confer with the party not making the disclosure in an
12 effort to secure the disclosure without court action." A discovery motion that does not comply with
13 all applicable rules will be stricken and may result in imposition of sanctions.

14 Further:

15 6. The parties are advised that the deadline for filing motions to dismiss for failure to exhaust
16 the administrative remedies pursuant to the unenumerated portion of Federal Rule of Civil Procedure
17 12(b) shall be October 19, 2005;

18 7. The parties are advised that the deadline for the completion of all discovery, including
19 filing motions to compel, shall be May 19, 2006;

20 8. The deadline for amending the pleadings shall be June 19, 2006;

21 9. The deadline for filing pre-trial dispositive motions shall be July 19, 2006;¹

22 10. **A request for an extension of a deadline set in this order must be filed on or before**
23 **the expiration of the deadline in question; and**

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27 ¹ The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions
28 to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for failure to exhaust must be filed on or before
the deadline separately set forth in this order.

11. Extensions of time will only be granted on a showing of good cause.

IT IS SO ORDERED.

Dated: September 12, 2005
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE